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KATHY BHARDWAJ, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE 2012-02

**AN ORDINANCE OF THE CITY OF TRINIDAD
THAT REPEALS IN ITS ENTIRETY THE PREVIOUS VERSION OF THIS ORDINANCE, 2011-02, AND
ADDS CHAPTER 17.53 TO TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (ADDING ARTICLE 5.3 TO
THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE),
AND AMENDING SECTIONS 3.20.030 AND 5.04.220 OF THE TRINIDAD MUNICIPAL CODE**

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2012-01, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Chapter, Chapter 17.53, (and hereby added to the Coastal Commission certified Zoning Ordinance a new Article 5.3), "City of Trinidad Vacation Dwelling Unit Ordinance," which shall read as follows:

Chapter 17.53 (Article 5.3)

REGULATIONS FOR VACATION DWELLING UNITS

Sections:

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17.54.130 (5.3.13)	Traffic
17.54.140 (5.3.14)	Tourist Occupancy Tax
17.54.150 (5.3.15)	Audit
17.54.160 (5.3.16)	Dispute Resolution
17.54.170 (5.3.17)	Violations—Penalty
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17.54.010 (5.3.01) Short Title.

This chapter (article) shall be known and may be cited as "City of Trinidad Vacation Dwelling Unit Ordinance."

17.54.020 (5.3.02) Definitions.

Good Neighbor Brochure. “Good Neighbor Brochure” means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions for parking and minimizing noise and quiet hours shall be included.

Event. “Event” means any use of a structure or land for a limited period of time. “Event” includes but is not limited to art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. “Event” does not include small parties and social gatherings of 20 people or less consistent with normal residential use.

Occupant. “Occupant” within this Chapter is synonymous with the definition of “Tourist” in Trinidad Municipal Code section 3.20.020G. As used in this Chapter, “occupant” does not include children aged 5 or under.

Transient Use. “Transient use” means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

Vacation Dwelling Unit. “Vacation Dwelling Unit” (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use.

As used in this chapter, the definition of “Vacation Dwelling Unit” falls within the definition of “Lodging House” found in Trinidad Municipal Code section 3.20.020A but does not include “inn” or “motel” within Section 3.20.020A.

Visitor. “Visitor” means someone staying temporarily at a VDU, but that is not an “occupant” and not staying at the VDU overnight.

17.54.030 (5.3.03) Purpose.

The purpose of this Chapter is to ensure that Vacation Dwelling Units are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.54.040 (5.3.04) Requirements.

A. Business License Application.

Each VDU must procure a Business License. Existing VDUs must obtain a Business License within 3 months of the adoption of this ordinance. The business license shall identify the existence of a VDU at a particular address and declares the number of bedrooms in the VDU.

A site plan and floor plan must be submitted along with the Business License application so the City can verify the number of bedrooms and parking spaces. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

Each application for a Business License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify, defend and save the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.

A Business License Fee of \$100.00 will be charged for the first year of each VDU’s operation. Annual renewals for subsequent years shall be at the same cost as a renewal for any other Business License in the City.

The City will notify all property owners within 100 feet of the VDU property of the VDU’s Business License within 7 days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection B below.

B. Contact Information.

1. Local Contact Person.

Each VDU must designate a local contact person on the Business License form. That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.

2. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 100 feet of the VDU within 7 days after the issuance or reissuance of a business license for the VDU.

If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the Police or Sheriff's Department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

C. Parking.

A VDU must provide at least one on-site parking space per bedroom in the VDU. The parking space/s shall be entirely on the VDU property. VDU occupants may not use public right-of-way (street) spaces to meet their parking needs. Parking spaces will not be located on the septic system unless it is designed and rated for traffic in accordance with the OWTS Regulations.

D. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with the City's OWTS Management Program. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

E. Signs.

A single sign no greater than 3 square feet in size shall be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU.

F. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the unit.

G. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren and real emergencies shall be included.

H. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and / or shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

17.54.050 (5.3.05) Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as required by this Chapter). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors which are not commonly experienced in residential areas.

17.54.060 (5.3.06) Effect on Existing Vacation Dwelling Units.

Each individual holding a valid Trinidad Business License for a VDU existing at the time the VDU Ordinance is adopted shall be subject to the requirements of this Chapter of the Municipal Code upon its adoption. The

owner of an existing VDU which does not meet the requirements of this Chapter will not be issued a Business License and may not use the VDU structure for VDU purposes.

17.54.070 (5.3.07) Location.

VDU's are permitted in any zone district in the City that allows for single or multiple family dwelling units. A VDU may be allowed in a legally established Accessory Dwelling Unit. Each separate VDU must obtain its own, individual Business License.

17.54.080 (5.3.08) Noise.

Occupants of VDU properties and visitors shall not generate noise in excess of what might be expected in a residential neighborhood. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors.

17.54.090 (5.3.09) Non-Permitted Uses.

There shall be no permitted use of the VDU structure other than occupancy for dwelling or sleeping purposes, as defined in Section 3.20.020A of the Trinidad Municipal Code. Use for events which are not hosted by the VDU's property owner are not permitted.

17.54.100 (5.3.10) Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants.

17.54.110 (5.3.11) Visitors.

The number of visitors to a VDU shall be limited to not more than 20 persons per parcel at any time. If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU. Visitors are not allowed on the premises between 1:00 a.m. and 4:00 a.m.

17.54.120 (5.3.12) Tenancy.

The rental of a VDU shall not be for less than two successive nights.

17.54.130 (5.3.13) Traffic.

Vehicles used and traffic generated by the VDU shall not exceed the type of vehicles or traffic volume normally generated by a residence occupied by a full-time resident in a residential neighborhood.

17.54.140 (5.3.14) Tourist Occupancy Tax.

The rental or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of Trinidad Municipal Code Chapter 3.20, "Tourist Occupancy Tax," which addresses the registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.54.150 (5.3.15) Audit

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Chapter are being fulfilled.

17.54.160 (5.3.16) Dispute Resolution.

By accepting a VDU Business License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU.

17.54.170 (5.3.17) Violations—Penalty.

Violations of this Chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 1.08 of the Trinidad Municipal Code. Each separate day in which a violation exists shall be considered a separate violation.

17.54.180 (5.3.18) Violations--Revocation

If the VDU owner or property manager is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU's Business License may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.

17.54.190 (5.3.19) Ordinance Review

This ordinance shall be reviewed by the Planning Commission a year after its adoption, and periodically thereafter, to ensure that it is meeting the needs of the community.

ORDINANCE 2012-02, SECTION 2:

Section 3.20.030 of the Trinidad Municipal Code, entitled "Imposed--Rate" is amended to read as follows:

"For the privilege of occupancy in any lodging, each tourist is subject to, and shall pay, a Tourist Occupancy Tax ("TOT"). The TOT constitutes a debt owed by the tourist to the City. The tourist shall pay the TOT to the lodging house operator based on the rent charged by the operator at the time the rent is paid. If the rent is paid in installments, a proportionate share of the TOT shall be paid with each installment. The unpaid TOT shall be due upon the tourist's ceasing to occupy space in the lodging house. If for any reason the TOT due is not paid to the lodging house operator, the Tax Administrator may require that such TOT shall be paid directly to the Tax Administrator.

The TOT is hereby set in the amount of 10 percent (10%) of the rent charged by the operator.

The amount of the TOT may be set by resolution of the City Council from time to time."

ORDINANCE 2012-02, SECTION 3:

Subsection B of Section 5.04.220 of the Trinidad Municipal Code, entitled "License--Appeal" is amended to read as follows:

"B. Any person aggrieved by any decision of city staff with respect to the issuance or reissuance or refusal to issue a license, or the amount of a license tax may appeal to the council by filing a notice of appeal with the city clerk within thirty (30) days of such decision. The council shall fix a time and place of hearing such appeal and the city clerk shall give notice in writing to the license applicant and the appellant, if different from the applicant, of the time and place of hearing by serving it personally or by mail, postage prepaid, addressed to such person at the address appearing on his last license or application and / county assessor records. The findings of the council shall be served upon the applicant in the manner prescribed above for service of notices of hearing.

ORDINANCE 2012-01, SECTION 4:

This Ordinance shall take effect upon certification by the Coastal Commission.

Passed, approved, and adopted this 11th day of April, 2012 by the following roll call vote:

AYES: Morgan, Miller, Fulkerson, Davies
NOES: None
ABSTAIN: None
ABSENT: Bhardwaj

Attest:

Approved:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor Pro-Tem

First Reading: **Wednesday, April 11, 2012**
Second Reading: **Wednesday, May 9, 2012**